

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1823

To provide for the establishment of the Interactive Entertainment Rating Commission, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 3 (legislative day, JANUARY 25), 1994

Mr. LIEBERMAN (for himself, Mr. KOHL, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To provide for the establishment of the Interactive Entertainment Rating Commission, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE AND PURPOSE.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Video Game Rating Act of 1994”.

6       (b) PURPOSE.—The purpose of this Act is to provide  
7       parents with information about the nature of video games  
8       which are used in homes or public areas, including arcades  
9       or family entertainment centers.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the terms “video games” and “video de-  
4 vices” mean any interactive computer game, includ-  
5 ing all software, framework and hardware necessary  
6 to operate a game, placed in interstate commerce;  
7 and

8 (2) the term “video game industry” means all  
9 manufacturers of video games and related products.

10 **SEC. 3. THE INTERACTIVE ENTERTAINMENT RATING COM-**  
11 **MISSION.**

12 (a) ESTABLISHMENT.—There is established the  
13 Interactive Entertainment Rating Commission (hereafter  
14 in this Act referred to as the “Commission”) which shall  
15 be an independent establishment in the executive branch  
16 as defined under section 104 of title 5, United States  
17 Code.

18 (b) MEMBERS OF THE COMMISSION.—(1)(A) The  
19 Commission shall be composed of 5 members. No more  
20 than 3 members shall be affiliated with any 1 political  
21 party.

22 (B) The members shall be appointed by the Presi-  
23 dent, by and with the advice and consent of the Senate.  
24 The President shall designate 1 member as the Chairman  
25 of the Commission.

1       (2) All members shall be appointed within 60 days  
2 after the date of the enactment of this Act.

3       (c) TERMS.—Each member shall serve until the ter-  
4 mination of the Commission.

5       (d) VACANCIES.—A vacancy on the Commission shall  
6 be filled in the same manner as the original appointment.

7       (e) COMPENSATION OF MEMBERS.—(1) The Chair-  
8 man shall be paid at a rate equal to the daily equivalent  
9 of the minimum annual rate of basic pay payable for level  
10 IV of the Executive Schedule under section 5314 of title  
11 5, United States Code, for each day (including traveltime)  
12 during which the Chairman is engaged in the performance  
13 of duties vested in the Commission.

14       (2) Except for the Chairman who shall be paid as  
15 provided under subparagraph (A), each member of the  
16 Commission shall be paid at a rate equal to the daily  
17 equivalent of the minimum annual rate of basic pay pay-  
18 able for level V of the Executive Schedule under section  
19 5315 of title 5, United States Code, for each day (includ-  
20 ing traveltime) during which the member is engaged in  
21 the performance of duties vested in the Commission.

22       (3) The amendments made by this subsection are re-  
23 pealed effective on the date of termination of the Commis-  
24 sion.

1       (f) STAFF.—(1) The Chairman of the Commission  
2 may, without regard to the civil service laws and regula-  
3 tions, appoint and terminate an executive director and  
4 such other additional personnel as may be necessary to  
5 enable the Commission to perform its duties. The employ-  
6 ment of an executive director shall be subject to confirma-  
7 tion by the Commission.

8       (2) The Chairman of the Commission may fix the  
9 compensation of the executive director and other personnel  
10 without regard to the provisions of chapter 51 and sub-  
11 chapter III of chapter 53 of title 5, United States Code,  
12 relating to classification of positions and General Schedule  
13 pay rates, except that the rate of pay for the executive  
14 director and other personnel may not exceed the rate pay-  
15 able for level V of the Executive Schedule under section  
16 5316 of such title.

17       (g) CONSULTANTS.—The Commission may procure  
18 by contract, to the extent funds are available, the tem-  
19 porary or intermittent services of experts or consultants  
20 under section 3109 of title 5, United States Code. The  
21 Commission shall give public notice of any such contract  
22 before entering into such contract.

23       (h) FUNDING.—(1) There are authorized to be appro-  
24 priated to the Commission such sums as are necessary to  
25 enable the Commission to carry out its duties under this

1 Act, such sums to remain available until December 31,  
2 1996.

3 (2) The Commission shall set a reasonable user fee  
4 which shall be calculated to be sufficient to reimburse the  
5 United States for all sums appropriated under subpara-  
6 graph (1).

7 (i) TERMINATION.—The Commission shall terminate  
8 on the earlier of—

9 (1) December 31, 1996; or

10 (2) 90 days after the Commission submits a  
11 written determination to the President that vol-  
12 untary standards are established that are adequate  
13 to warn purchasers of the violent or sexually explicit  
14 content of video games.

15 **SEC. 4. AUTHORITY AND FUNCTIONS OF THE COMMISSION.**

16 (a) VOLUNTARY STANDARDS.—(1) The Commission  
17 shall—

18 (A) during the 1-year period beginning on the  
19 date of the enactment of this Act, and to the great-  
20 est extent practicable, coordinate with the video  
21 game industry in the development of a voluntary  
22 system for providing information concerning the con-  
23 tents of video games to purchasers and users; and

24 (B) 1 year after the date of enactment of this  
25 Act—

1 (i) evaluate whether any voluntary stand-  
2 ards proposed by the video game industry are  
3 adequate to warn purchasers and users about  
4 the violence or sexually explicit content of video  
5 games; and

6 (ii) determine whether the voluntary indus-  
7 try response is sufficient to adequately warn  
8 parents and users of the violence or sex content  
9 of video games.

10 (2) If before the end of the 1-year period beginning  
11 on the date of the enactment of this Act, the Commission  
12 makes a determination of adequate industry response  
13 under paragraph (1)(B)(ii) and a determination that suffi-  
14 cient voluntary standards are established, the Commission  
15 shall—

16 (A) submit a report of such determinations and  
17 the reasons therefor to the President and the Con-  
18 gress; and

19 (B) terminate in accordance with section  
20 3(i)(2).

21 (b) REGULATORY AUTHORITY.—Effective on and  
22 after the date occurring 1 year after the date of the enact-  
23 ment of this Act the Commission may promulgate regula-  
24 tions requiring manufacturers and sellers of video games  
25 to provide adequate information relating to violence or

1 sexually explicit content of such video games to purchasers  
2 and users.

3 **SEC. 5. ANTITRUST EXEMPTION.**

4       The antitrust laws as defined in subsection (a) of the  
5 first section of the Clayton Act (15 U.S.C. 45) and the  
6 law of unfair competition under section 5 of the Federal  
7 Trade Commission Act (15 U.S.C. 45) shall not apply to  
8 any joint discussion, consideration, review, action, or  
9 agreement by or among persons in the video game indus-  
10 try for the purpose of, and limited to, developing and dis-  
11 seminating voluntary guidelines designed to provide appro-  
12 priate information regarding the sex or violence content  
13 of video games to purchasers of video games at the point  
14 of sale or initial use or other users of such video games.  
15 The exemption provided for in this subsection shall not  
16 apply to any joint discussion, consideration, review, action,  
17 or agreement which results in a boycott of any person.

○